

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

STIPULATION AND ORDER

Adv. Pro. No. 08-01789 (BRL)
SIPA Liquidation

WHEREAS, the liquidation of the business of Bernard L. Madoff Investment Securities LLC (the “Debtor”) pursuant to the Securities Investment Protection Act (“SIPA”) is before this Honorable Court having been transferred from United States District Court, Southern District of New York on December 11, 2008 (08-cv-10791); and

WHEREAS, DCFS USA LLC successor in interest to DaimlerChrysler Financial Services is the record owner of one (1) 2007 Mercedes S550V (V.I.N. WDDNG71XX7A094596) (hereinafter “Property”); and

WHEREAS, on or about February 3, 2009, DCFS USA LLC successor in interest to DaimlerChrysler Financial Services filed a Motion for Relief from Automatic Stay pursuant to 11 U.S.C. Section 362(d)(1) based upon the surrender of the leased vehicle to DCFS USA LLC successor in interest to DaimlerChrysler Financial Services; and

WHEREAS, on or about February 19, 2009, the attorneys for Irving H. Picard, Esq., Trustee for the SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“Trustee”)

filed an Objection to DCFS USA LLC's Motion for Relief from Automatic Stay and Request for Sanctions; and

WHEREAS, on or about February 23, 2009, the attorneys for DCFS USA LLC filed a Response to the Trustee's Objection and Request for Sanctions; and

WHEREAS, a hearing was held on February 24, 2009 at 10:00 a.m. before the Honorable Burton R. Lifland in New York, New York and present were counsel for both DCFS USA LLC and the Trustee; and

WHEREAS, the Trustee surrendered the Property on or about December 30, 2008; and

WHEREAS, the Court has ordered the parties to enter into a Stipulation.

NOW, upon all pleadings and proceedings heretofore had herein, and the parties having stipulated to the following:

1. That the automatic stay instituted upon the transfer of this case from United States District Court, Southern District of New York on December 11, 2008 (08-cv-10791) and the Order Extending the Stays Against All Creditors entered on January 5, 2009, is terminated in that it shall not apply to any action by creditor, DCFS USA LLC, successor in interest to DaimlerChrysler Financial Services, pursuant to applicable state and federal law, to dispose of

the Property in accordance with applicable law; namely, one (1) 2007 Mercedes S550V (V.I.N. WDDNG71XX7A094596).

DATED: Albany, New York
March 9, 2009

/s/ Martin A. Mooney
Martin A. Mooney, Esq. (mm 8333)
DEILY, MOONEY & GLASTETTER, LLP
Attorneys for DCFS USA LLC, successor in
interest to DaimlerChrysler Financial Services
Office and P.O. Address:
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Albany, NY 12203
Tel: (518) 436-0344

DATED: March 4, 2009

/s/ Alissa M. Nann
Alissa M. Nann, Esq.
Attorney for Irving H. Picard, as Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC
BAKER & HOSTETLER, LLP
45 Rockefeller Plaza
New York, NY 10111
Tel: (212) 589-4200

SO ORDERED:

DATED: March 12, 2009
New York, New York

/s/Burton R. Lifland
United States Bankruptcy Judge